



COMMONWEALTH of VIRGINIA

Office of the Governor

Robert P. Mosier
Secretary of Public Safety
and Homeland Security

February 2, 2023

The Honorable Mark R. Warner
703 Hart Senate Office Building
Washington, DC 20510

Dear Senator Warner,

Thank you for your December 20 letter to Governor Youngkin, and for your diligent, ongoing efforts towards successful nationwide implementation of the Critically Missing Adult Alert (Ashanti). The fact that nearly half of all states have an alert system that substantially meets the requirements of the Ashanti Alert Act is a testament to your hard work on this issue. We share your goals on this and are doing everything within our power to make sure missing persons are safely located.

Virginia's emergency alert programs, such as the Ashanti Alert, provide valuable tools for Virginia law enforcement officers in our ongoing battle to protect children and missing adults, while allowing the broadcasters of Virginia, the Virginia Department of Transportation, and other partners an opportunity to contribute to the communities they serve in an extremely beneficial capacity.

1. What proportion of missing persons cases result in the issuance of an Ashanti Alert?

The criteria for activation of an Ashanti alert are defined in the Code of Virginia § 15.2-1718.2 and § 52-34.10:

- Any person 18 years of age or older, including persons with a developmental disability, intellectual disability, or mental illness, and;
- Whose whereabouts are unknown (disappearance or abduction), and;
- Whose disappearance or abduction poses a credible threat, as determined by law enforcement, to the safety and health of the missing person, or;
- Based on any other circumstances as deemed appropriate by the Virginia State Police (VSP).

Going back to January 1, 2019, the Commonwealth has received reports of 4,312 missing adults. Twelve (12) met the criteria, at the time, for the Ashanti Alert. This equates to .28% that resulted in the issuance of the alert, or just over one quarter of one percent of all reported missing adults. Since January 2020, the VSP has received nine (9) requests for an Ashanti Alert. Of those nine, eight (8) were approved, and one (1) was denied for failing to meet the criteria.

2. In a specific case, who is responsible for making the determination that "abduction poses a credible threat" as required by the Ashanti Alert program?

When a person is reported missing, the initial determination of whether their disappearance poses a "credible threat" is made by local law enforcement. It is then incumbent upon local law enforcement to alert the VSP in order for the Ashanti Alert process to be triggered. The VSP then commence the "Investigating Agency Alert Activation Checklist" process to determine whether to issue an Ashanti Alert.

a. What policies govern the substance of this determination?

The VSP outline the determination process through a number of documents available on their website.

- **The Virginia “Critically Missing Adult” Alert Plan**
 - o This document outlines the Ashanti Alert process.
 - Local law enforcement running the facts of the circumstance through the three-prong Ashanti test in the Activation Request form;
 - If test is met, local law enforcement completing the Virginia Missing Person Information Clearinghouse Report, including a photograph of the person;
 - Local law enforcement completing the Activation Request Form;
 - Local law enforcement completing the Activation Checklist;
 - Upon receipt by VSP, the Duty Sergeant will review all information to ensure criteria is met;
 - Duty Sergeant notifies Virginia Criminal Information Network (VCIN) First Sergeant, VCIN Administrative Sergeant, or VCIN Lieutenant to evaluate the request and return their validation of the decision to the Duty Sergeant, and;
 - Alert issued.
- **Virginia “Critically Missing Adult” Agency Activation Request Form**
 - o This form is completed by local law enforcement.
 - o It requires confirmation that the three prongs of the activation alert definition are met:
 - That the person is 18 years or older;
 - Their whereabouts are unknown due to disappearance or abduction verified by investigation, and;
 - The disappearance or abduction poses a credible threat to safety and health.
 - o The form goes on to request information about the disappearance/abduction, victim identifying information, suspect information, vehicle information and reporting agency information.
 - o This form is submitted to the VSP Duty Sergeant.
- **Virginia “Critically Missing Adult” Agency Alert Activation Checklist**
 - o This checklist is what is used by local law enforcement to request VSP issue an Ashanti Alert.
 - o It requires:
 - Investigation to verify the disappearance or abduction and eliminating alternative explanations;
 - Entering the missing adult into VCIN and the National Crime Information Center (NCIC) missing person files;
 - Completing the SP-67 (Virginia Missing Persons Information Clearinghouse Report) and submitting it to the Virginia Missing Persons Clearinghouse;
 - Completing the Virginia Critically Missing Adult Agency Activation Request Form;
 - Emailing the Request Form, the SP-67 and any photographs to the VSP Duty Sergeant, and;
 - Contacting the Duty Sergeant to confirm receipt.

b. What policies govern the timing of this determination?

The Code of Virginia governs the timing of the determination, specifically Section § 15.2-1718.2. The Code of Virginia prohibits police or sheriff's offices from having any sort of waiting period before accepting a critically missing adult report. Upon receipt of the report, local law enforcement shall immediately enter identifying and descriptive data about the critically missing adult into the VCIN and the NCIC systems, forward the report to the VSP, notify all other law-enforcement agencies in the area, and initiate an investigation of the case.

c. Were these policies revised as a result of the delay in the Covington case?

In the future, VSP will proactively contact the reporting agency once a missing person report is received in order to determine whether an alert activation has been requested.

In direct response to this incident, VSP has revised the SP-67 form to clarify the request for the date *and the time* the report was taken, as well as additional clarifying questions regarding the intent to issue the alert. The new form is attached.

VSP will publish a reminder of the Ashanti Alert process in their upcoming newsletter. The Ashanti Alert process will be flagged at the Virginia Association of Chiefs of Police conference this week.

Virginia Beach Police Department performed an after-action review in light of the Covington case and had all officers be re-trained on the Ashanti Alert process.

3. Why was an Ashanti Alert not issued in the Covington case until two days after Marie Covington was reported missing?

The alert system timeline is below which includes other significant information relative to the case of Ms. Covington.

- On August 18, 2022, her daughter, Carla Covington, reported her missing with the Virginia Beach Police Department. The daughter reported Covington was last seen in the company of Gary Morton (boyfriend) at approximately 2200 hours on August 17th, the night prior. Officer R. Timpa filled out the report, but the *Virginia Beach Police Department did not request the VSP issue an alert at that time.*
- On August 20th, 2022,
 - o At 0315 hours, the VSP became involved in a vehicle pursuit with Morton. He was stopped and detained approximately twenty minutes later, and there appeared to be blood on the passenger seat of the vehicle.
 - o At 0425 hours, *Virginia Beach Police Department requested the involved State Police officer call Officer Timpa, who was working the missing person case.* Morton was taken into custody for driving while intoxicated, eluding police, felon in possession of a firearm; along with multiple traffic offenses, and was then transported to the Chesapeake jail. He was later charged with murder and use of a firearm in the commission of a felony in Norfolk.
 - o At 1915 hours, *Sergeant M. E. Gauthier of the VSP was contacted by Sergeant W. A. Frederick with the Virginia Beach Police Department in reference to this alert request.*
 - o At 1930 hours, Sergeant Gauthier collected the information from Sergeant Frederick, and approval for the alert was granted.
 - o By 2152 hours, the VSP had collected the necessary information and Sergeant Frederick provided the photo and necessary attachments via an email.

- At 2159 hours the Ashanti Alert information posted on the Virginia Critically Missing Adult Alert Website & Everbridge Broadcast sent.
- At 2231 hours, the VCIN Control Broadcast was issued.
- On August 21, 2022 at 0048 hours, Ms. Covington was found deceased in Norfolk, and Virginia Beach Police Department requested cancellation of the Ashanti Alert.

4. In the 7 cases for which we do not have data, how much time elapsed between the missing person report and the issuance of an Ashanti Alert?

The below spreadsheet shows the elapsed time from when the VSP received the alert, to the activation. The delays for Megan Metzger and Amy Fabian were due to missing information, that was needed prior to activation of the alert. Reference John Wimbush, the emergency alert system software was offline and unresponsive, and the vendor was contacted to regain connectivity.

See attached exhibit A for recent missing person report filings.

5. Who has general oversight authority over the implementation of the Ashanti Alert law?

By the Code of Virginia § 52-34.11, the VSP has general oversight authority over the implementation of the Critically Missing Adult Alert.

The VSP has been working in cooperation with law enforcement across the Commonwealth, to improve communication and educate each on the criteria needed for all of Virginia's five alert programs, including the Ashanti Alert. They have made the necessary resources immediately available to the public safety entities involved, with the ultimate goal of maximizing the purpose and effectiveness of each alert.

Thank you for reaching out to our office to gain a stronger understanding of our Ashanti Alert processes, the guiding laws and policies, support documentation for activation, and recent statistics. As you have aggressively pursued nationwide implementation of the Ashanti Alert, Virginia has continued to utilize this tool in scenarios where the definition is met, in order to save the lives of endangered adults, and prevent future tragedies.

Sincerely,



Robert P. "Bob" Mosier
Secretary of Public Safety,
and Homeland Security

Attachment: Exhibit A

Attachment: Updated SP-67 Form

Exhibit A:

Name	Date Missing Person Report Filed with Local Agency	Date / Time Alert Request Received by VSP from Local Agency	Time of Alert Activation	Elapsed Time	Resolution
Samuel L. Houchens	6/23/2018	7/2/2018 1600	1701	1:01	Still Missing
Bellamy M. Gamboa	7/2/2018	7/5/2018 1702	1844	1:42	Found Deceased
Megan Metzger	7/19/2018	7/19/2018 2020	2328	3:08	Found Deceased
John A. Wimbush	8/1/2018	8/1/2018 1340	1727	3:47	Safely Located
Olivia Oliver	2/20/2019	2/20/2019 1530	1630	1:00	Safely Located
Cynthia M. Carver	2/23/2019	2/23/2019 1934	2130	1:56	Found Deceased
Amy R. Fabian	5/24/2019	5/24/2019 1440	1910	4:30	Found Deceased
Tontrese M. Vermelle	6/12/2019	6/12/2019 0950	1130	1:40	Safely Located
David Williams	7/1/2022	7/1/2022 1209	1311	1:02	Safely Located
Shanita Eure-Lewis	7/17/2022	7/18/2022 1200	1405	2:05	Under Investigation as Homicide
Marie Covington	8/18/2022	8/20/2022 1915	2159	2:44	Found Deceased
James Allen	9/15/2022	9/19/2022 1314	1408	0:54	Still Missing
Veronica M. Jones	10/25/2022	10/25/2022 2040	2157	1:17	Safely Located
Ana Maria Herrera Vargas	12/24/2022	12/24/2022 1301	1332	0:31	Safely Located
Gerald H. Fuller	1/4/2023	1/4/2023 1950	2127	1:37	Safely Located
Talaat Aziz Syan	1/11/2023	1/11/2023 0945	1005	0:20	Safely Located

VIRGINIA MISSING PERSON INFORMATION CLEARINGHOUSE REPORT

INVESTIGATING OFFICER				DATE and TIME REPORTED: _____ DATE ENTERED VCIN/NCIC: _____ VIC NO: _____			
PART I							
*Agency Submitting Report:						*ORI No:	
*Last Name		*First Name		Middle Name		Suffix	*Sex
*Race							
Place of Birth:				*Date of Birth:			
*Height: Ft. In.		*Weight: Lbs.		*Eye Color <input type="checkbox"/> Maroon <input type="checkbox"/> Black <input type="checkbox"/> Gray <input type="checkbox"/> Green <input type="checkbox"/> Blue <input type="checkbox"/> Multicolor <input type="checkbox"/> Hazel <input type="checkbox"/> Brown <input type="checkbox"/> Pink <input type="checkbox"/> Unknown		*Hair Color <input type="checkbox"/> Black <input type="checkbox"/> Blond <input type="checkbox"/> White <input type="checkbox"/> Sandy <input type="checkbox"/> Brown <input type="checkbox"/> Gray <input type="checkbox"/> Red <input type="checkbox"/> _____	
Complexion <input type="checkbox"/> Fair/Light <input type="checkbox"/> Black <input type="checkbox"/> Medium <input type="checkbox"/> Albino <input type="checkbox"/> Dark <input type="checkbox"/> Olive <input type="checkbox"/> Ruddy <input type="checkbox"/> Sallow <input type="checkbox"/> Yellow <input type="checkbox"/> Lt. Brown <input type="checkbox"/> Med. Brown <input type="checkbox"/> Dark Brown				Scars, Marks, Tattoos and Other Characteristics			
Fingerprint Classification:				Social Security Number:			
Operator's License Number			O.L. State		Date of Expiration		DNA <input type="checkbox"/> Yes <input type="checkbox"/> No Location of DNA:
*Date of Last Contact				*Originating Agency Case Number			
Fingerprints Available <input type="checkbox"/> Yes <input type="checkbox"/> No Location of the Fingerprints:			Photo Available <input type="checkbox"/> Yes <input type="checkbox"/> No Photo Received <input type="checkbox"/> Yes <input type="checkbox"/> No Photo sent to the State Police <input type="checkbox"/> Yes <input type="checkbox"/> No			Dental Records <input type="checkbox"/> Yes <input type="checkbox"/> No Location of the Dental Records:	
Blood Type		Body X-Rays Available <input type="checkbox"/> Full <input type="checkbox"/> Partial <input type="checkbox"/> No		Location of the X-Rays:			
Medication Required <input type="checkbox"/> Yes <input type="checkbox"/> No			Medication Type			Medical Condition <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, what type:	
Last Name		First Name			Middle Name		
Person Who is Reporting Subject Missing: Address:							
Telephone # of investigating agency (accessible 24 hours) Area Code () -						Contact Telephone: Authority for Release <input type="checkbox"/> Yes <input type="checkbox"/> No (Part IV)	
Last Seen in Company of: NAME(S)						Sex	Race
(1)							
(2)							
MISCELLANEOUS DATA (Information which may assist in identification: nickname, associates, direction of travel, hairstyle, clothing, etc.)							
VEHICLE INFORMATION							
License Plate Number		State	Year of Exp.		Lic. Type		VIN
Vehicle Year		Make		Model		Style	
Color							
Corrective Vision Prescription:							
Jewelry Type and Description:							

* MANDATORY DATA ELEMENTS

PART II

CHECK APPLICABLE CONDITION:

1. ☐ DISABILITY:

Person missing is under proven physical/mental disability or is senile thereby subjecting herself/himself or others to personal or immediate danger.

Are you requesting a Critically Missing Adult Alert activation? ☐ YES ☐ NO

If yes, contact the VSP duty sergeant at 804-674-2026.

2. ☐ ENDANGERED:

Person missing under circumstances indicating his/her physical safety is in danger.

Are you requesting a Critically Missing Adult Alert activation? ☐ YES ☐ NO

If yes, contact the VSP duty sergeant at 804-674-2026.

3. ☐ INVOLUNTARY:

Person missing under circumstances indicating the disappearance was not voluntary.

Are you requesting a Critically Missing Adult Alert activation? ☐ YES ☐ NO

If yes, contact the VSP duty sergeant at 804-674-2026.

4. ☐ CATASTROPHE VICTIM

Person who missing after a catastrophe.

5. ☐ OTHER

A person 21 or older, not meeting the criteria for entry in any other category, who is missing and for whom there is a reasonable concern for his/her safety.

PART III

I certify the person described in Part I is missing and that the information I have furnished is true and correct to the best of my knowledge and belief.

Signature

Date

Relationship

PART IV

I authorize any law-enforcement official to use photographs and/or any other identifying information I have provided in any manner they deem necessary in attempting to locate the person I am reporting missing.

Signature

Date

Relationship

Virginia Missing Person Information Clearinghouse
Virginia State Police
Criminal Justice Information Services Division
P. O. Box 27472
Richmond, Virginia 23261-7472

***** IMPORTANT *****

PLEASE ATTACH A CURRENT PHOTOGRAPH OF THE MISSING PERSON TO THIS FORM